

TOWNSHIP OF DENVILLE
PLANNING BOARD
MINUTES
May 14, 2014

The Planning Board of the Township of Denville held its regular meeting on Wednesday, May 14, 2014. The meeting was held at the Township Municipal Building, 1 Saint Mary's Place and commenced at 7:35 p.m. Acting Chairperson Maffei presided.

Secretary Probasco read Notice of Public Meeting.

Roll Call: **Present** – Acting Chr. Maffei, Mayor Thomas Andes, Sue Filauro, Mark London, Kurt Schmitt, Peter Nienstadt, Christopher Golinski,
Absent – Chr. Glenn Buie, Vice Chr. Marilyn Kuntz
Professionals present – Tiena Cofoni, Esq., John Ruschke, PE, Jason Kasler, PP

MINUTES

April 9, 2014

Motion to adopt the meeting minutes as **submitted** was made by Mbr. Filauro, seconded by Mbr. London and unanimously approved by all members able to vote.

PURCHASING

Motion to pay vouchers submitted by **Kasler Associates** (dated May 2, 2014) subject to the availability of funds, was made by Mbr. Golinski, seconded by Mbr. London and unanimously approved by a majority of Members present and able to vote.

Motion to pay vouchers submitted by **The Buzak Law Group** (dated March 31, 2014) subject to the availability of funds, was made by Mbr. London, seconded by Mbr. Golinski and unanimously approved by a majority of Members present and able to vote.

RESOLUTIONS

**Amendment to the Conservation Element of the Denville Township
Master Plan to include an Environmental Resource Inventory**

The adoption of this resolution was deferred until after the presentation later in the meeting.

**Resolution authorizing the award of professional services contract to Kasler
Associates, PA for professional planning services in connection with a
comprehensive update to the Township of Denville's Master Plan**

Motion was made by Mbr. London, seconded by Mbr. Filauro and approved by a majority of members.

ROLL CALL: Ayes – London, Filauro, Golinski, Schmitt, Andes, Maffei

CORRESPONDENCE

Chr. Maffei referenced the following correspondence:

- o April 7th Memorandum from Board Secretary to Council regarding 2013 Zoning Board Annual Report.
- o April 8th Letter from Hatch Mott MacDonald to Planning Board regarding TWA Permit Application for Forest Trail Pump Station for Pump Replacement.
- o April 16th Memorandum from Board Secretary to Council regarding Planning Board comments on Hotel Ordinance.
- o May 5th Letter from Clerk to MCPB regarding Hotel Ordinance Adoption.

PUBLIC HEARINGS

**Seton Hall University
29 Spear Lane / 19 Field Lane
Block 61702, Lot 28 & 23**

Nicole B. Dory, Esq. of Connell Foley LLP (85 Livingston Avenue, Roseland) was present representing the applicant, Seton Hall University. Applicant is requesting minor subdivision approval for a lot line adjustment.

Dennis Garbini, VP of Administration at Seton Hall University (400 South Orange Avenue, South Orange) was present and sworn under oath. Mr. Garbini has many responsibilities including the handling of facilities and human resources. Mr. Garbini spoke to original donation of the property, the encroachment,

the undersized lot size of the Provost's and their intentions to have the Provost's be the recipients of Seton Hall's gift.

James Watson, PLS, PP of EKA Associates (328 Park Avenue, Scotch Plains) was present and accepted as an expert witness in surveying and planning. Mr. Watson provided an overview of the property using the plans submitted to the board as exhibits. Mr. Watson referenced Lot 23 having been added to the survey. The approximate size of Lot 23 is 50' x 50' with associated sheds, pool and fence on the property. The existing pavement extending past the ROW approximately 30' and into the Seton Hall property. Using Lot Line Adjustment Plan, Sheet 3 reflecting a 50' x 100' strip of land to the owner of Lot 23 with the property that has the fence, decks, shed upon them. Mr. Watson referenced the Kasler Associates letter dated April 1, 2014 and stated that the comments related to the checklist and all waiver items were addressed. Referencing the HMM letter dated April 24, 2014 and stated that there were no changes that will impact snowplowing. The applicant just became aware of the encroachment of the swimming pool and fence. These improvements have been in place for over forty years, applicant will address with the County. New plans will be submitted to reflect the omission. Zoning table for the R3 zone references a setback of 5.28, existing conditions being the setback to the northwesterly lot line which will become 55.18 setback after the lot line adjustment. The northeasterly setback will become 5.27' on the other side. NJDEP environmental constraints wetlands would be required for any future improvements. Applicant agrees and no improvements are proposed. In addition to the Firmette, the flood zone can be transposed to the revised plan submitted. A stake can be provided but the entire property will not be monumented. Lot 28 is mostly unusable and the C2 balancing act, positives more land for Lot 23 will bring it more into conformance. No impervious coverage. No known negatives with the proposed lot line adjustment. No impact to the master plan.

Chr. Maffei opened to the professionals.

John Ruschke, PE referenced the snowplowing becoming an issue with the lot line adjustment. Suggesting that the testimony be reflected that the owner of Lot 23 recognize the snowplowing. Norman L. Provost, Jr. (19 Field Lane) was present and sworn under oath. Mr. Provost confirmed that in over forty years the snow has never been a problem. Mr. Ruschke thanked the homeowner for coming forward and asked that this testimony become a matter of record for future owners of the property.

Jason Kasler, PP referenced that the property is a split zone lot. There was some discussion regarding a deed restriction. The board attorney stated that a condition requiring returning to the board for any further development would be sufficient. John Ruschke, PE agreed that mechanisms were in place.

Chr. Maffei opened to the public, seeing none, closed the public portion of the meeting.

Chr. Maffei opened to the board members.

Mbr. London referenced the detail being difficult to read. Asked about the driveway location and connection to Morris Avenue. Mr. Provost stated that the driveway has always been at that location.

Mbr. Filauro had a few questions regarding the driveway, shed and buffer. Mr. Provost stated the driveway has always been this way and the shed was built to house three garbage cans. Mr. Ruschke stated that the driveway may even predate the NJDEP regulations. Jason Kasler deferred to the board attorney for the resolution language.

Mayor Andes commented on things changing and possible snowplowing complaints in the future. Spoke to it being critical for the entire neighborhood that the language be in the resolution. Plowing will now be on private property for the protection of the neighborhood. Tiena Cofoni, Esq. inquired about Mr. Provost using Field Lane or Morris Avenue. Mr. Provost confirmed that he would use the Morris Avenue access instead of the Field Lane if piled with snow.

Mbr. Golinski had none.

Mbr. Schmitt inquired of Mr. Garbini that the property being gifted to the town. Mr. Garbini confirmed.

Mbr. Schmitt commented on it being a great application and one he would endorse.

Acting Chr. Maffei inquired about the changing of hands. Mr. Kasler confirmed that it would remove the potential complications of residential zone. The Township Planner stated that this would be addressed in the upcoming changes to the Master Plan.

Motion to approve this application, with conditions, was made by Mbr. Golinski, seconded by Mbr. Schmitt and approved by a majority of members.

ROLL CALL: Ayes – Golinski, Schmitt, Filauro, London, Andes, Maffei

Chr. Maffei announced a brief break afterwards the meeting resumed at 8:42 p.m.

J. Fletcher Creamer & Son, Inc.
301 Palmer Road
Block 61702, Lot 5

(Completeness Hearing)

Chr. Maffei announced that this application was for a completeness hearing. Explaining that a public hearing would need to be scheduled once it was deemed complete.

Richard McLaughlin, Esq. General Counsel of J. Fletcher Creamer & Son, Inc. (101 East Broadway, Hackensack) was present and represented the company. Mr. McLaughlin spoke to having had an opportunity to meet with the Township Planner prior to the meeting. Based upon their discussion, the board secretary has been asked to forward a copy of the plans from the Ciottariello prior approval to the

planner. Stating that the detailed plans would satisfy the completeness criteria the planner was seeking. Jason Kasler, PP stated that these plans would provide the requested site plan details for which the applicant was seeking a waiver.

The board attorney confirmed that no further action from the board was required at this time. Confirming to members of the public that the public hearing for this application would be carried, without further notice to June 11, 2014.

Environmental Resource Inventory Presentation (2014 Update)

Presentation by the Land Conservancy of New Jersey and the Township of Denville's Environmental Commission and Green Team for an amendment of the Conservation Element of the Township of Denville's Master Plan.

Mark London spoke to the ERI being an important part of the Sustainable New Jersey application for Bronze certification. Stating that the document is available in DropBox, as well as on the website. Barbara Heskins Davis was also present and spoke to the changes from the January public presentation being minor in nature. Ms. Heskins Davis stated that the document now contains a Forward, all the maps have been sharpened and the Historic section has been restructured and improved.

Motion to adopt the ERI update was made by Mbr. Filauro, seconded by Mbr. London and approved by a majority of members.

ROLL CALL: Ayes – Filauro, London, Golinski, Schmitt, Andes, Maffei

OLD BUSINESS

Mbr. Filauro referenced the size of the maps provided by applicants. There was some discussion regarding the size of the documents. It was suggested that future submissions of reduced hardcopies have an inset with the detail enlarged. Mbr. London referenced the updated checklist. Mayor Andes thanked everyone for the successful bus tour. The Mayor also provided an update that the downtown trees are coming as early as May 17th and sidewalks are being cut. Veterans Memorial Field groundbreaking ceremony was announced for Tuesday at 6:45 p.m. Tiena Cofoni, Esq. referenced the final order concluding the litigation case of Hall vs. Township of Denville.

ADJOURNMENT AT 9:24 PM

Denean Probasco, Board Secretary

Date Approved: June 11, 2014